

# WILLKIE FARR & GALLAGHER<sub>LLP</sub>

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August 30, 2021

## VIA ECF

Honorable Ona T. Wang  
United States Magistrate Judge  
U.S. District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: *BSG Resources (Guinea) Limited et al. v. Soros et al.*, 1:17-cv-02726 (JFK) (OTW)

Dear Judge Wang:

Pursuant to Section IV(a) of Your Honor's Individual Practices, Defendants request permission to file under seal the enclosed letter, which makes reference to Mr. Steinmetz's August 29, 2021, deposition testimony. Pursuant to the Stipulated Protective Order (ECF No. 81),<sup>1</sup> deposition testimony may be designated as Confidential or Highly Confidential at any time within 14 days after the deposition. (*Id.* § IV(2)(b).) If a party indicates it will designate any portion of the testimony as protected, the Designating Party has 30 days after receipt of the final transcript to identify portions of the testimony as protected. (*Id.*) "During such 30 day time period, the entire deposition transcript, including any exhibits, shall be deemed 'HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY.'" (*Id.*) Neither Plaintiffs nor Mr. Steinmetz has indicated whether they intend to designate the transcript of his deposition as protected. Defendants do not believe that Mr. Steinmetz's deposition testimony qualifies as Confidential or Highly Confidential under the terms of the Stipulated Protective Order. However, out of an abundance of caution, Defendants request to file the enclosed letter under seal because the time to designate the transcript as protected under the Stipulated Protective Order has not yet passed.

Respectfully submitted,

/s/ Benjamin P. McCallen

Benjamin P. McCallen

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<sup>1</sup> Capitalized terms used herein and not defined have the meaning ascribed to them in the Stipulated Protective Order (ECF No. 81).

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cc: All Counsel of Record (via ECF)  
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